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A SOCIOLOGICAL VIEW OF SOVEREIGNTY.

CHAPTER XIII.

POLITICAL PARTIES.¹

ORIGINAL institutions are those which existed undifferentiated in society previous to the emergence of the state. The rise of the latter, collecting to itself the coercive factors of the several institutions, permitted first the free action of individuals within them. But this free action, leading to immense increase of wealth and population, and therefore becoming essentially competitive, tended necessarily to association and then to subordination to a single will. Thus the freedom of labor prepared the way for industrial corporations, and the extension of the right of suffrage prepared the way for the rise of political parties. These have reached their highest development in the United States, because here labor has been earliest freed and suffrage widest extended. Political parties are now generally recognized as essential to popular government. But our federal and state constitutions were originally framed under the conviction that parties were the deadliest rocks in the path of freedom. Parties were identified with factions. Washington's farewell address stated this conviction. Instead, therefore, of incorporating parties into the constitutional framework of government, the constitution-makers did all they could to suppress them. It was natural for a people which had just emerged from a life-struggle with a foreign foe, where unanimity was required for success, to look with anxiety on the personal, factional, and sectional struggles that followed. Washington himself could hardly see that the differences in his cabinet between Hamilton and Jefferson were anything more than the personal differences between an energetic business-man and a phlegmatic theorist. But history shows that each stood for deep and lasting principles, which

¹ This chapter is an adaptation of a paper read at the National Conference on Practical Reform of Primary Elections, in January, 1898, and published in the proceedings of the conference, pp. 18-23 (C. Hollister & Bro., Chicago, 1898).

since that time have competed for supremacy. These opposing principles, if not recognized in the organic structure of the constitution, must make a place for themselves outside and above the constitution. This compels us again to note the distinction between the persuasive basis of an institution and the coercive elements which constitute its framework. In the case of a political party the one is the principles for which the party contends, the other is the organization, or "machine," by which it gains success.

Its principles are all the selfish and the patriotic interests which its members strive to have enacted into law and enforced upon the people. Its organization is the machinery by which it marshals together a majority or plurality of the voters. The success of organization depends not only upon the number of voters, but also upon their discipline. Discipline depends upon control over the privative and remuneratory sanctions, that is, the appointment, discharge, promotion, and reward of the party workers. Consequently discipline and organization tend to monopoly and centralization. In the struggle for existence the best-disciplined and largest organization, if backed by the motive power of desires and conscious interests, will survive. In the system of election by majority vote there can be but two great parties, and every advance in organization of the one must be copied or bettered by the other, under penalty of lasting defeat. So urgent is this necessity that quite divergent principles and interests are usually forced into the same organization. It does not follow, because there are two parties, that there are also but two opposing principles animating their membership. It is the overwhelming demands of success that give organization preponderance over minor divergent principles. Various subordinate groups and factions of the party may be unrepresented in the ruling faction, but they must yield. And with this yielding of factions within the party for the success of the whole has it followed that parties have become more powerful than the constitution itself. The federal and state constitutions recognize only the individual candidate and the individual voter. But parties strive to elect those men who will above all things else enforce

the party's principles, and in so doing they have forced the constitution to their necessities. This is shown notoriously in the election of the president on a party ticket, instead of the election of a non-partisan, like George Washington, as contemplated in the constitution. It is shown also in the appointment of the subordinate civil-service officials in nation, state, and city, on the basis of partisan activity, a policy of appointment introduced by those early inventors of the political machine, George Clinton in New York and Andrew Jackson in the union. This policy has greatly strengthened party organization by enabling the party leaders to reward and punish the party workers by substantial privileges and revenues, and so to hold together between elections and fortify themselves in their supremacy over the government and over their own partisans.

This centralizing tendency in party government was resisted by the American voters in the same way that centralization in national government has been resisted, by the formation of people's clubs in localities, meeting together to criticise and take independent action against their leaders. These local clubs gradually compelled recognition and secured, as the authoritative organ of the party, the substitution of the party nominating convention composed of their own delegates, instead of the legislative or congressional caucus of party leaders. Thus the primaries originated. They tended to socialize the parties and to give voice to the wishes of the party membership as a whole. They thereby greatly strengthened the party organization, not by lessening the power of leadership, but by reconciling the members to the leadership of those whom they believed to have been fairly chosen.

With the completed recognition of the primary in the first thirty-five years of this century, party government came to be firmly established in the hearts of the people. The increase of power coming from it led the parties to seize upon the machinery of the government, the subordinate offices, and the laws, to keep themselves in power. It now became necessary for the opposing parties in self-protection to use legislation to hold each other in check. Consequently the first legal cognizance of parties appears

in the effort to put both parties on an equal footing in elections. The first intimation which I can find in the laws of New York that political parties actually existed was in the election law of 1842, which provides for the election of three inspectors of elections, but permitted the elector to vote for only two. This was doubtless designed to give the minority party one of the inspectors. But the party organization as such was not yet acknowledged, the theory still being that candidates, not parties, were being voted for. Parties as actual factors in elections were first recognized not until after the war, in the election law of 1870, which provided for bipartisan police and election boards in New York city and Brooklyn. This act provides specifically that the choice of the third inspector should not be left to chance, as in the law of 1842, but that he should be chosen "from the party in general political opposition on state issues to the party electing the two successful candidates." An act of 1880 provided for a board of registration in counties of more than 300,000 population, to be appointed from both political parties. And a general law of 1880 provided that every "political organization that shall present a candidate or candidates" shall appoint watchers to oversee the inspectors in counting the ballots. These laws were merely a negative recognition of parties and did not give them a place in the legal machinery of government. They merely protected them against each other. The same was true of the first primary law of 1882, providing penalties for those who should willfully obstruct the primaries, and placing the presiding officers under oath.

Another negative legal acknowledgment of parties is the so-called civil-service-reform legislation. The appointment of strictly administrative officials to strengthen the party is an unwarranted use of these offices, except as the necessity of survival dictates. Civil-service reform aims to exclude this necessity. Here for the first time legislation deals with political parties by taking away one of the strong props of their organization. Such legislation is an effort, not to incorporate parties into the machinery of government, but to exclude them from a large section of this machinery.

The first positive recognition of parties came with the Australian or legalized ballot. The principles of this legislation were the following:

1. A rough definition of political parties based upon the party convention and the general and executive committees of the party, but not based on the rank and file of the membership.

2. Party nominations as certified by the aforesaid party authorities. Here for the first time it was legally recognized that the American voter does not vote for candidates, but for parties, and the party is accordingly made a constituent element in the machinery of government.

3. While recognizing parties as belonging to the legal machinery of government, the law deprived these same parties of their most important mechanical incident or function, the management of elections, the printing and distributing of ballots. This function does not pertain to the essential nature of parties in so far as they are based on principles, but is only an accident of their organization based on coercion, through the control of the necessary material of elections, especially the ballot paper, and therefore the state, in assuming to execute the function itself through its own sworn officials, did by no means interfere with the part that parties must play in popular government. It rather liberated the true spirit and persuasive function of parties from the shell of organization. The ballot was originally a piece of paper prepared by the voter himself. Afterward the party organization assumed this strictly mechanical service in the interests of economy and superior organization. The control of the ballot paper, an object in its nature distinguished by scarcity, became thus an instrument of coercion, and those who controlled it became the private owners of the party. Finally the state took this service away from the party, because it had become an instrument of autocracy tending to check the free spirit and expression of party principles in the mass of the party membership.

We have, therefore, now the official or legalized ballot instead of the private party ballot, and the results are noteworthy. It greatly increases the influence of the individual citizen in the

elections, thus socializing the parties. It gives, as far as it goes, a preponderance to the persuasive principles rather than to the mere organization of parties, and so tends to bring to the front in party leadership those who stand for principles rather than mainly for shrewdness and manipulation. It finally puts both parties on a higher level of competition by eliminating from party strife the factitious elements of bribery and intimidation, depending as these do upon private control of the machinery and material of election, and so increases rather than lessens devotion to party by giving the voters more confidence in their leadership.

The next step following the official ballot is in the same direction: the further legal recognition of parties as belonging to the structure of government, and the further assumption by the state of certain merely mechanical incidents of party organization. Having legally incorporated the party machinery into the system of government, the law must now more carefully define what is meant by a party. A party is not its general committee nor even its party convention—as the official ballot law assumes; it is primarily all the voters who support its principles. The election law leaves this definition to those in control of the organization—an instance of the suppression of the individual citizen by the conquering power of monopoly. Having legalized parties and made them a constituent element in the organization of government, it follows that the individual citizen has a moral right to be a member of a party just as he has to be a citizen. By this is meant that his right to party membership must be defined and enforced by the same power as that which defines and enforces his right to citizenship, namely, the law of the land. Just as the state does not leave the definition of citizenship and the machinery of naturalization to the private interests of any body of men, so it cannot leave the definition of party membership to even the party organization. Political parties are no longer private concerns organized for agitation, but they are public institutions organized to name the officers of government and so to control the government itself. They are now constituted by law precisely for this purpose. The

individual citizen has practically no voice in government except through these party organizations. Consequently the state which protects his rights of citizenship must protect his rights of partisanship. If this protection is left to private management, the test will be his past devotion to the management. If it is put in the hands of the state, the test will be his present intention to support the party of his choice. This declaration of intention, rather than previous affiliation, is the test of citizenship whenever needed, as in naturalization, and should also be the test of partisanship, whenever needed. The only safeguard of such a test is the sovereign power of law.

As to the details of primary-election laws, here is not the place to describe them.¹ Different American states are experimenting upon them with varying results. The object to be secured consists in recognizing the all-importance of the printing and handling of the ballot paper used at the primary elections. This is the material basis of the party organization. He who decides upon the names of candidates that shall be printed upon this piece of paper and the names that shall be rejected holds the party membership in his control. The object to be secured consists also in recognizing the natural evolution of the organization toward centralization, based on the ballot paper and the control of the "workers," resulting in the dominion of one man. The next step is the readjustment of the organization in such a way that, while unity and efficiency are retained, yet the subordinate members of the party shall have an equal voice in determining the will of the management. This is the completed socialization of parties.

A primary-election law of this kind gives a preponderance to the persuasive principles animating the membership of the party rather than to the machinery of its organization. In other words, it extracts the inherent coercive factors which have become powerful and visible in proportion as the party has become monopolistic and centralized, and leaves the peculiar persuasive factors which characterize the institution. This is done by

¹ See Report of National Conference on Practical Reform of Primary Elections, as above.

absorbing on the part of the state, which is the common representative of all parties and all citizens, the machinery of the primary itself, such as the enrollment of party members, the printing and handling of the ballots, the appointment of officials, inspectors, and judges, instead of leaving these to the representatives of the organization. These all belong to the coercive side of the party. Just as the control of the ballot paper constituted the party leaders the dictators of the party, so the power to appoint, remove, promote, and reward the party workers, who in turn have charge of the enrollment, the registration, the marshaling of the membership at the polls, has constituted the boss the private proprietor of the institution. The state here, with its official inspectors, judges, registrars, *et al.*, constitutes itself the structure within which the party operates. The state becomes a larger institution, by deepening its hold on a subordinate institution which had grown up as private property under the law of survival and centralization, until it reached the point where organization tended to suppress the free movement of the persuasive principle animating its members. But the state in thus enlarging itself does not suppress parties. It enlarges itself by merely incorporating their coercive structure and throwing itself about them in order to free them from the capricious coercion of the leaders whom natural selection had constituted the private proprietors. This, of course, is a further guaranty of the rights of the individual voter to a place in the party membership, by protecting him in the enrollment and counting of his vote and the certification of the result. It introduces into party organization the two attributes of sovereignty, order and right, by first extracting coercion from it. This, like the official ballot, is also a subordination of the machinery of organization to the principles of the party. Party success, then, depends not so much upon control over the mechanical details as upon enthusiasm for common principles. And these principles, therefore, become broader and more patriotic, because they must be broad enough to hold together the various factions and minor interests which must be combined to get a majority. Patriotic principles rather than shrewd organization are the banner of party success.

A primary-election law of this kind does not lessen the hold of parties upon the hearts of the people. It rather, as with the official ballot, turns the emphasis upon persuasion instead of coercion, and so increases the devotion to party and the acquiescence of the minority in the leadership of the majority. Neither does it deprive parties of their eminent leadership which has justified its position by the decisive criterion, success. The same abilities of leadership, instead, are made subservient to the party as a whole rather than to the demands of a faction in the party or to the love of power on the part of their fortunate possessors.

Thus primary-election laws are one of the steps away from the early dread of political parties toward their legalization as a constituent of the governing machinery. Only when recognized as such can they be controlled in the interests of the ethical ideals of the state. They have in themselves what larger patriotism does not always possess, the powerful motive of self-interest. Their so-called principles are mainly the common self-interest of their members. This is their constantly impelling force. This is their persuasive energy that gets results. The problem of politics is how to direct this self-interest for the common good. At first the problem was attacked negatively, the endeavor being to prevent one party from getting unfair advantage over the other. Next the attack was positive, in the interests of the people at large, endeavoring through the official ballot to deprive parties of those artificial and factitious means of success which depend only upon the machinery of organization. Later the problem is the internal organization of the parties themselves, the legalized primary, the very heart of the party situation. The party primary is peculiar to American self-government. The primary is democratic in its origin. It has become oligarchical through the necessity of organization. The problem of politics is to recognize the organization as necessary and then so to order its coercive conditions and terms as to make it an agent for securing equal persuasive opportunities for all its members and all citizens.

CHAPTER XIV.

THE THREEFOLD PROBLEM OF EACH INSTITUTION.

With the foregoing brief survey of the more important social institutions, we are now able to return to our elementary discussion of coercion, and persuasion and to verify the distinctions there made. By an institution is meant an enduring social relation based upon one of the elementary psychic capacities of the individual. Being a social relation, its essential qualities are found in the kind of dealings with one another which the members of the institution carry on. The motive which responds to the persuasive sanction is that elementary psychic susceptibility which is the basis of the institution, while the motive responding to the coercive sanction is the fear of pain or material privation. We have, then, in each institution a threefold problem, corresponding to the threefold division of the material basis, the psychic basis and coercion. First, a technical problem, based on knowledge and skill; second, a persuasive problem based on tact and eloquence; third, an ethical or political problem, based on the power to choose the end to which these services shall be directed. We shall consider each problem separately in the several institutions.

A rough survey of all the activities of all the people living in a society shows that by far the greater part are engaged directly in the industrial institution, in working up the material of nature for the satisfaction of human wants. They are manufacturing, transporting, and delivering goods, or fitting up machinery, buildings, and highways for these purposes. The work is planned by architects and engineers, whether mechanical, electrical, or civil, who are more or less equipped in the technology of their particular callings, and in the sciences of mathematics, physics, and chemistry. The work is executed by foremen, artisans, and laborers, who have varied skill in handling the materials to be worked up. This is the technical problem of the industrial institution. It deals with the material of nature. As far as this problem is concerned, there is no difference whether the work is

done by the people as private individuals in the administration of their private property, or by individuals employed by the state. In overcoming nature and exploiting her resources the problem is purely technical.

The same is true of the large array of people who, in the domestic and ecclesiastical institutions, are teaching the children at home or in the schools and churches; of the policemen and prison officials who are dealing with anti-social classes; of the charity workers and pauper overseers who are dealing with the sub-social classes; these are fitting social material for society, just as the other technical workers are fitting natural material for society's uses. This work is also technical, requiring knowledge gained more or less from the sciences of psychology, penology, and sociology, and skill gained from experience in the application of scientific principles. Whether they do their work as employés of the state or as members of the domestic or of the ecclesiastical institutions is not at all a matter of concern, seeing that the quality of knowledge and skill for which they are employed is the same in either case.

Besides these technical duties which the state and the industrial institutions may have taken from the family and the church, the latter institutions have certain duties still peculiar to themselves. The technical work of the family is the duties of "house-keeping," the larger part of the training of children, the care of the health, the provision for amusements, comforts, and necessities of the home. These duties are usually met empirically, but they may be met by the help of science and technology, as is the case where the physician's advice is taken, or when "scientific cookery" and child psychology are enlisted.

The technical work of the church is the observances of rites, ceremonies, sacred times; the arrangement of auditoriums, confessionals, wardrobes; the routine of deacons, elders, bishops; the provision for religious and secular education.

The technical problems of political parties are the duties of the party "workers;" the methods of nominating conventions, campaigns, elections; the preparation of ballots and poll lists, in so far as these have not been taken over by the state.

The technical work of the state is the duties of officials within the laws and constitutions, the drafting, publication, and enforcing of laws. The state in absorbing coercion from the subordinate institutions has been compelled to take with it a large amount of technical work in which its officials are required to be equipped. This has been indicated above. As will be noticed, the technical problem of each institution is not entirely distinct and separate from that of others. There is overlapping at many points. The mental qualities, however, required to meet this problem wherever found are the same, namely, knowledge and skill.

But a high development of technical ability is not possible without a minute division of labor and a specialization of knowledge and skill in limited fields of work. This necessitates in the industrial institutions transfers of goods, the selling of one's own specialized products, and the buying of the products of others for one's own personal and industrial needs. Furthermore, this technical ability must also be specialized within a single industry, and a hierarchy of knowledge and skill must be organized on a larger or smaller scale, according to the extent of the market and the character of the production. Here we have a new problem, that of buying and selling and the organization of responsibility. Material must be bought and sold, wages and salaries must be paid, employes must be selected and fitted into the respective processes according to their equipment in knowledge and skill, and the highest productive energy must be evoked from each employe by the proper play upon his motives. Altogether the problem is one of economizing the technical abilities of individuals, that is, of increasing the productive power of each group with the least sacrifices and concessions to other groups and to the associated individuals within the group. This is usually known as the problem of business or administration. It deals with individuals instead of raw material, and the psychical quality required is tact. This quality is seen in the successful business manager who generally has but little technical ability, knows but little of the sciences and the various branches of technology over which he presides, and has no skill in handling

material, but is able to "deal with men" through his possession of the personal qualities of foresight, shrewdness, diplomacy, courtesy, blandishment, and firmness, all of which are factors going to make up persuasion. Here again we are not concerned with the question of public or private management. The same qualities are required whether the work be done by a business manager employed by the state or by a private company, or whether by one who is "his own employer."

The problem of persuasion in each institution requires much the same mental qualities as in business. But in addition there must exist the peculiar quality belonging to the institution in question. In the family, tact, self-control, self-sacrifice, integrity, deception, or what not, are summoned to aid the underlying sanctions and motives of sexual and parental love. In the church, eloquence, entreaty, appeal, personal character and example of the pleader are added to the belief on both sides in God, conscience, divine reward and retribution. Political parties hold their voters together by the arts and arguments of the politician, his sincerity, convincingness, judicious use of party shibboleths, or confusion of issues. He plays upon the class consciousness, patriotism, self-interest of his auditors and readers.

The state is primarily coercive, but where technical work has been absorbed by it, just as its officials must be equipped in knowledge and skill, so also must they learn tact. Penology, pedagogy, "scientific" charity, are highly successful only when the iron hand of coercion is gloved by the arts of persuasion. The state extracts coercion from private hands in order that the latter may be compelled to rely on persuasion, and the criterion of the success of state coercion itself is the extent to which the officials have learned to make it unnecessary. Streets can be kept clean by appeal to the pride and public spirit of the citizen in behalf of coöperation with the sweepers. Policemen can govern a city without revolvers and clubs, if once they see that their duties are to make good citizens rather than suppress malefactors. The state is, indeed, becoming more persuasive and less coercive in proportion as the officials recognize their position as

public servants, and as the people become upright and patriotic in character.

The characteristics of a technical and a business problem, whether for city, state, or nation, being thus established, what is the nature of an ethical or political problem?

Society is made up of individuals working each in his special field. Division of labor is the main device for creating wealth. The product is not the work of one man or of one set of men, but of society as a whole. Everything that the individual man uses in his work and in his pleasures, the tools with which he works, the food, clothing, luxuries which he enjoys, even the language with which he thinks, is the joint product of all society past and present. These are all simply the services which his fellow-men everywhere are contributing to his life. Society is mutual service. But the motive which leads each individual to contribute his share to the joint product is mainly the share which he and those whom he loves can get in return. Society is opportunity. Freedom is the command over the services of others. But in acquiring this opportunity and this freedom the lone individual is helpless against the pressure of others. Consequently everywhere we find that those with common interests are compelled to join together to gain the power which united effort secures. If their interest is urgent enough and their demands are not granted, they will resort to compulsion. History is full of the uprisings of sects and classes, of riots and wars, brought about by this struggle to share in larger degree the freedom and opportunities which society vouchsafes. This struggle, however, is not always violent. It may be constitutional. That is, the machinery of government may be so constructed and the suffrage so extended that different sects and classes may get a share of social services by simply getting control of the constituted authorities through well-recognized channels and without resorting to violence. This, we have seen, is the injection of order into coercion. But, in either case, whether violently or orderly, it must be noted, the resort is to compulsion. The power of compulsion, wherever it exists, is the

power to put one's own opinion or desire into effect regardless of the desires and opinions of others. This power is controlled and directed, therefore, not by proof and logic, but by appeals to the sense of justice and expediency. It belongs to the realm of opinion rather than demonstration and understanding. Here we have the essential mark which separates the political from the technical and business problems. In the technical field there is no power of compulsion. One must act according to unchangeable laws governing human nature and physical nature. "We conquer nature by obeying her," that is, by knowledge and skill, not by opinions and prejudice.

In the business field we apparently come nearer to compulsion. Successful business discipline at present depends on the power to appoint, promote, and discharge subordinates. But this power exists only in so far as the laws of property permit and enforce it. Here the business problem depends upon the political forces that regulate property. The business manager is allowed to use compulsion only to the extent that the people through their laws have chosen. His success within this area is based primarily on tact and persuasion.

The political problem of the state occurs at exactly this point. It is concerned with the extent to which compulsion shall be used by private persons, by sects or classes, in promoting their interests. It is not independent of technology and business. In fact, as shown above, it depends on these to further its ends. It cannot override them, but it can use them. It is concerned only with the questions: Who shall get the advantages of social production? For whose benefit shall services be rendered, and who shall bear the burdens? It deals with social classes, whereas the technical problem deals with the material of nature and the business problem deals with individuals.

We saw in the chapter on order that private property and sovereignty together constitute the total of coercion which exists in a given society. We saw in the chapter on right that coercion, originating and developing in the necessities of the struggle for survival, and becoming a matter of ethical choice in proportion as necessity gives way to freedom, is prone, however,

to be used without reference to right even after the era of freedom is reached. At this point, in so far as the state emerges and transfers coercion from private to social control, it does so by the only adequate means, superior coercion. The motive is simply the redistribution of this control among social classes, with the idea that it shall be used rightly instead of wrongly. In so far as coercion is used, whether by private parties or by the state, the end is attained, not by knowledge nor skill nor persuasion. These are successful only as they observe and "obey" the forces of nature and the passions of men. Coercion overrides these passions. It is obedient, therefore, only to the desires of the agent. What he wants he commands and gets. Coercion is, therefore, solely an ethical problem. It is the problem of right and wrong choices. It is settled by opinion, prejudice, and preference, not by knowledge, skill, and tact.

It is for this reason that the ethical or political problem takes precedence of the technical and persuasive problems, both in the management of subordinate institutions, and in the exercise of public coercion. Men are, first of all, creatures of desire. The individual may choose to use his control of his fellows in industry, in the family, in the church, for self-aggrandizement, for political power, for social promotion, for philanthropy, education, or religion. The partisan may aim at class tyranny or the honor and welfare of his country. Having made this primal decision, the execution is a matter of business and persuasion, of technology and tact. So with the state. Its strictly political problems are solely in the realm of ethics. Its constituted social classes attend first of all to the distribution of social privileges and burdens, through the exercise of coercion. As long as these are open questions they pay little attention to the administrative or technical problems of government.

The peculiar political problems which evoke class contests within the state are concerned with beliefs, enjoyments, and incomes. The most inveterate and deep-seated of class preferences is that which is based on religious beliefs. Dissenting sects demand equal privileges with members of the established church in holding property, participation in elections and public

offices, free worship, and exemption from church tithes. When these are granted, when the religious hold weakens, when the majority turns to material pleasures, subordinate classes demand exemption from sumptuary laws of all kinds, and the right to enjoy themselves in their own way and to spend their money as they choose. Beliefs and enjoyments take precedence of all other desires in the hearts of people. They are concerned mainly with the *use* of property. But accompanying these primary political differences, and later intensified with the growing density of population, with the increase in technical improvements, with new kinds of industry, with extremes in wealth, political differences arise concerning the distribution of property. These differences arose, indeed, in connection with beliefs and enjoyments. The secularization of monasteries and guilds was a redistribution of property through superior coercion animated by new ethical motives. But in modern times the property question becomes more distinct. The tariff question turns on the distribution of property between manufacturers and farmers; the currency question, between creditors and debtors; corporation questions, between capitalists and "the public;" factory laws, between the employers and laborers; and so on. All of these questions affect the incomes and the coercive power of the several classes in society.

The foregoing are the main political problems which enter into sovereignty. These must be decided by the state before the people can attend to the business or technical problems. And upon their decision the latter problems must be solved as best they can. Here we find the criterion of the successful solution of the ethical or political problem. The political problem deals with the destination of the benefits of social services. The only immediate criterion of its successful solution is the satisfaction it gives to the desires and ethical opinions of those who have the power. But there is an ultimate, as distinguished from the immediate, criterion. This is the survival or extinction of the society in the struggle for existence with other societies. If the state, in redistributing coercion among its members, has done so, not merely in the narrow spirit of class dominion, but

also in accordance with what may be called those principles of natural or divine right existing in the very make-up of society and the universe, then that society will survive in competition with other societies, as being the best fitted to the plan of the world. The persuasive faculties of its members will evoke from one another such a lively exercise of all the passions and abilities of human nature that in the resulting devotion to family, church, industry, and country, the people will effect the greatest conquest of nature and production of wealth, will promote the purest family life, will plant morality and religion deepest in the individual heart, will inspire the intensest patriotism, and so will construct the equipment for national survival.

The part played by the state in the exercise of coercion must be rightly understood. State coercion is necessary as against private coercion, not because the state can elevate the people to a higher level than that attained by the free exercise of their own persuasive powers, but in order to prevent the lower and selfish elements of society from dragging the several institutions down. The state sets the minimum level below which the struggle for existence shall not be permitted to force an institution. If wife-capture and wife-purchase were customary and recognized, only the strong and wealthy could get wives, and others would be compelled to compete with them on their own ground or else fail to secure the privilege of family and home. The moral level of the community having risen above wife-capture and wife-purchase, those who desire to base their own family life on persuasion are able to do so safely only because through the state they have relegated these earlier approved practices to the category of the crimes of rape and prostitution, to be punished by the state. The moral level of the people, or at least of the dominant social classes, first inaugurates in its own institution the reign of persuasion and then secures the adoption of a minimum somewhat below its own actual attainment, to be imposed upon those who have not yet reached this higher level. These become now the sub-social or anti-social classes, in so far as the state is actually compelled to proceed against them. For the mass of people actual state interference is not needed, because

of their obedience, not only to the state minimum, but also to an even higher standard of right.

Similar principles are true of the church. State coercion does not elevate the people religiously, it only prevents private persons from degrading them. The established or coercive church, having power over all the people, derived not from persuasion, but from coercion, has an advantage over other bodies without being compelled to rise to their moral-persuasive level. When the people have risen to a religious level above that which the coercive church is exhibiting, then, in their own protection, acting through the state, they take this extraneous power from the church and compel it to compete with the others on the same basis of persuasion. It is religion that elevates the people, not the state ; the latter only sets the minimum below which religion shall not be prostituted to private ends.

In the case of political parties coercion is necessary, not to lift people, but to lift the party organization up toward the moral level which the ruling majority of the people had attained. Otherwise those in control of the organization, directing it to their private ends, render it unrepresentative of the moral tone of the people, and the impression is conveyed that the people themselves are corrupt, whereas only the machinery of organization fails of adjustment to the people's moral character.

Again, the state is not as competent to evoke industry as private persons. State coercion here is necessary, not to increase the productive power and inventiveness of the people, for the state is not a pioneer, except where it represents a higher civilization (India), or where it is a despotism, in both of which cases it is rather a private proprietor and acts under the motives of private enterprise. But the state proper, with its partnership and mutual veto of social classes in determining the sovereign will, cannot, from its very nature, evoke the highest industry and inventiveness, that is, the highest stimulation of the industrial susceptibility, love of work. The state only sets a minimum below which individual employers and employes shall not exercise coercion for private ends, and does this after the dominant elements of the people have reached so high an ethical level of

industry and enterprise that those who are on the higher level are being crowded in competition by those on the lower. There may be also a certain class of industries, like the post-office, streets and roads, railways, sewers, water supply, in which the state goes still farther in its sovereign function of redistributing property among the people, and, by means of public monopoly of ownership and operation at cost or free of charges, attempts to place the poorer classes and sections upon an equal basis with wealthier classes and sections in the use of these services. Such industries, too, operating under special franchises from councils and legislatures, are a peculiarly fertile source of corruption, and, in defense of its own autonomy, the state may be compelled to monopolize them in its own hands, even at the loss of the inventiveness and enterprise which private operation would introduce. Here the state is compelled to go beyond its duty as the coercive institution of society, wherein it acts only as the framework of the institutions, and to take up also the technical and business problems of industry. Ordinarily, however, except for these outside interests, the state's control of manufacturing monopolies would extend only to the provisions for partnership rights on behalf of investors, minority stockholders, and employés. This is the extent of its control in the other institutions, and is in harmony with its nature as the coercive institution constituting the framework within which private persuasion operates upon the persuasive motives.

CHAPTER XV.

SUMMARY.

I have designated these papers "A Sociological View of Sovereignty." It remains to justify this title and further to distinguish the sociological from other views. These are, as already stated, the philosophical, the legal, the political. Philosophical views turn upon the ideal, or ultimate purpose, of the state, as the expression of universal reason or of the development of human character. They tend to personify the state, and to abstract the idea from the actual historical institution. The sociological view is concerned not so much with the ultimate

purpose as with the detailed processes of the state's evolution. It is an inductive, comparative study of historical societies with reference to the part played by sovereignty, and its aim is to discover the actual laws governing the emergence of the state. The legal view is the view of the lawyer and the judge whose problem is a practical one. He must decide between two claimants for control in a definite matter of life, property, or other privilege. For this reason the legal view is entirely separated from the scientific purpose of sociology, and, if projected by the legal mind into social theories, it tends to abstract the state from the remainder of society and to set it overhead as something external and mechanical. Political science, which has borrowed its concepts from jurisprudence and has been prosecuted by lawyers, falls also into this fault.

The sociological view, beginning as it does with primitive society, finds that the state, as conceived by the philosopher and the lawyer, does not there exist. It is blended and confused with other institutions. The sociologist must, therefore, look first for the germ which later was differentiated out from society and became the state, and, second, for the stages of growth of this germ and the exact point when it can properly be called the state. He looks not for an ultimate repository of sovereignty which comes into play on occasion, as does the lawyer, but he looks for a constant pervasive psychic influence existing everywhere in society and affecting all social relations. He looks, not for an event, but for a "flow." The object which he seeks is dynamic, evolutionary. If this be so, sovereignty is but a branch, a differentiation, from this primitive sociological psychic influence. We have found this primitive all-pervasive principle to be private property, which originates with man's self-consciousness and is the beginning and basis of all social institutions. Private property is but another name for that coercive relation existing between human beings through which the proprietor commands the services of others. This also is sovereignty, and in mediæval law¹ "the one word *dominion* has to cover both proprietary rights and many kinds of political power; it stands

¹ MAITLAND, *Doomsday Book and Beyond*, p. 344.

for ownership, lordship, sovereignty, suzerainty." Up to this point, therefore, in European history the state had not yet clearly emerged. Private property is strictly competitive, a necessity of the struggle for life, and has no ethical implication. Neither is it subject to the will of any person outside the proprietor himself. When, therefore, order and right are injected into property, we may say the state has appeared. Sovereignty and private property, then, constitute the two branches of this all-pervasive social relation, coercion, or *dominion*.

But private property, contrary to the legal view, is not the creature of the state, nor is it subject to the state. It is pristine and anterior. It springs from the very nature of man. The state is rather the creature and offspring of private property. It arises quite late in the history of property, with the rise of reflective thinking and the capacity for rational coöperation. The legal view, seeing only the unity and immense power of the modern state, has reversed both the historical and the psychological order. The state is not sovereign, except to the extent that it has actually become so, *i. e.*, except as it has actually extracted coercion from private property, and has, at the same time, acquired for itself the organization for expressing and enforcing its will. The state expresses the coöperative or mutual-veto will of that part of society which is politically organized for this purpose. Private property expresses the individual will of the several private owners, or of the private chief, whether patriarch, pope, suzerain, boss, or industrial monopolist, who is at the head of the particular institution. The sociological view, being strictly inductive, does not impart to the theory of the state that which is potential and ideal, but only that which is actual and historical. At the same time, by recognizing the state as a process and not an entity, it allows for its further growth and extension, and even its ultimate absorption of all private property. Only in the latter event could it be rightly said that the state is absolute and ultimate, as maintained by the legal view.

The sociological view is also more closely connected with biology than are the others. The connection with biology

appears in its use of the concepts "survival" and "organization." Organization, in biology, is the means of economizing the vital forces and increasing the chances of the organism for survival. The same is true of social organization, which economizes the social forces. But there is an important difference. Biological organization is physical and compact, and consists of bony, muscular, and other structure. Social organization is psychic, and consists of those coercive sanctions which subordinate individuals to a single will, notwithstanding their inclinations to satisfy their desires at cross purposes in their own private ways. Organization is not originally the free persuasive grouping of men for mutual satisfaction, but is an alternative forced upon them by increasing population and increasing struggle for existence. Upon the utilitarian explanation, organization would be immoral, for it tends to suppress individuals to the passions of a few. As it is, organization is neither moral nor immoral—simply necessary.

Here the sociological view leads from biology to the philosophical or ethical view. The ethical motive is, indeed, a human and not an animal attribute. But it cannot assert dominion during the period of struggle for survival. This is the period of subterfuge, diplomacy, strategy, brute force, keen intelligence. Only in the lulls of competition, or in the final victory of perfected and centralized organization, is it possible to introduce the ethical purpose. The sociological view of sovereignty, therefore, in distinguishing between that necessity which builds up organizations through survival of the fittest and that freedom which characterizes victorious monopoly, reveals the state as the peculiarly ethical institution, emerging after monopoly and freedom have been reached, and then injecting into each monopolized institution in turn its conception of right; and so the sociological view, in showing the relations between man as a creature of necessity and man as a free agent, furnishes the philosophical or moral view of the state with a firm foundation and a proper knowledge of its limitations.

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